

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

CADENCE BANK f/k/a	§	
BANCORPSOUTH BANK and	§	
CENTURY BANK,	§	
Plaintiffs,	§	
v.	§	Civil Action No 4:23-CV-00609-P
BRIDGELINK ENGINEERING, LLC,	§	
COLE WAYNE JOHNSON, CORD	§	
HENRY JOHNSON, BIGHORN	§	
CONSTRUCTION AND RECLAMATION, §		
L.L.C., BIGHORN SAND & GRAVEL	§	
LLC, BIGHORN INVESTMENTS AND	§	
PROPERTIES, LLC	§	
Defendants.	§	

**PLAINTIFF CADENCE BANK'S AND CENTURY BANK'S OBJECTION TO  
DEFENDANTS' MOTION FOR NEW TRIAL**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiffs, Cadence Bank, f/k/a BancorpSouth Bank (“Cadence”) and Century Bank (“Century”) (collectively the “Plaintiffs”) and files this, its Objection and Response to Defendants’ Motion for New Trial (the “Motion”), and respectfully represents to the Court as follows:

1. Defendants’ Motion has an unclear legal basis, as it refers broadly to Fed. R. Civ. P. 59; however, because this case was decided on Summary Judgment, Rule 59(a) is inapplicable.
2. Defendants’ Motion should be denied because (1) Defendants’ arguments are simply a rehash of the arguments, responses, and replies made in response to Plaintiffs’ Motion for Summary Judgment; (2) Defendants’ Motion places an improper burden on Plaintiffs to produce

evidence negating Defendants' affirmative defenses; and (3) Plaintiff presents no new evidence and simply relies upon the evidence in the summary judgment record that was objected to as being untimely disclosed.

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully request that Defendants' Motion for New Trial be denied.

Respectfully submitted,

**HALEY & OLSON, P.C.**

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**ATTORNEY FOR CENTURY BANK**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 24th day of July, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

By: /s/ Blake Rasner  
Blake Rasner